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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,828	03/15/2004	Chien-Ting Lai		3134
25859	7590	10/11/2006		
			EXAMINER	
			DOAN, THERESA T	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/801,828	LAI ET AL.
	Examiner	Art Unit
	Theresa T. Doan	2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,4-10, 21,22 and 26.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: (See the attachment sheets).
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. Other: _____.

ADVISORY ACTION (continuation of page 1)

The request for reconsideration has been considered but does not place the application in condition for allowance because of the following reasons:

1. Applicant argues that Lee does not teach “a homogeneous base substrate” because the homogeneous layer 30 does not serve as the sole bottom supporting material.

This argument is not persuasive because it is noted that the features upon which applicant relies (i.e., the homogeneous base substrate serves as the sole bottom supporting material) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the invention as claimed does not distinguish over the reference of Lee because the homogeneous layer 30 is a portion of the base substrate.

2. On page 6 of the remarks, Applicant argues that the patterned smoothing layer 30 of Lee is homogeneous but it does not serve as a “substrate”.

This argument is not persuasive because as defined by Webster’s II, New College Dictionary, “substrate” is ‘substratum’. And “substratum” is “an underlying layer” or “the material upon which another material is coated or fabricated”. Accordingly, the term “substrate” refers to any supporting structure. In this case, because the

homogeneous base layer 30 supports the gate electrode 32, the homogeneous base layer 30 is "a homogeneous base substrate".

3. Applicant argues that it would not be obvious to combine Hiramatsu with Lee because Hiramatsu does not disclose the gate electrode 2 disposed in the transparent insulating substrate 1.

This argument is not persuasive because Applicant's argument has no immediate apparent relevance to the issues presented by the rejection since Applicant cannot show non-obviousness by attacking references individually where the rejection is based upon a combination of references. In re Young, 403 F. 2d 754, 757, 159 USPQ 725, 728 (CCPA 1968). It should be noted that the rejections of claims are not based on anticipation, but rather, are based on obviousness. In this case, the motivation of compensating for step coverage in the thin film transistor by disposing the gate electrode in the insulating substrate (as suggested by Lee) would motivate one skilled in the art to modify the device of Hiramatsu by disposing the gate electrode 2 in the transparent insulating substrate 1. The examiner thus regards Applicant's assertions as constituting evidence that Applicant has failed to consider as a whole the prior art teachings disclosed by the combination of the references.

T.D
October 02, 2006.


PHAT X. CAO
PRIMARY EXAMINER

Webster's II

New College Dictionary

With over 200,000 entries, Webster's II is the most comprehensive college dictionary ever published. It includes every word in Webster's Third New International Dictionary, plus thousands of additional words and meanings.

But it does more. It includes many words and meanings that have been added to the language since the publication of Webster's Third.

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